



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 5676-00  
17 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 1 August 1980 for eight years as an SA (E-2). You were ordered to active duty on 3 September 1980 for a period of 36 months in the Active Mariner Program. The record reflects that you served for 11 months without incident. However, during the 23-month period from July 1981 to June 1983 you received four nonjudicial punishments (NJP) for disobedience of an order, a four-hour period of unauthorized absence, disrespect, and dereliction in the performance of your duties.

On 7 June 1983 you were notified that you were being considered for discharge by reason of misconduct due to a pattern of misconduct. You were advised of your procedural rights, declined to consult with legal counsel, and waived the right to present your case to an administrative discharge board (ADB). However, you did submit a statement to the effect that your last performance evaluation showed improvement, you were recommended for advancement, had only three months of active duty remaining, and wanted to continue in the Naval Reserve. Thereafter, the commanding officer (CO) recommended a general discharge by reason

of misconduct. The CO noted that your career could be characterized by an inability to follow orders, immature work habits and personal demeanor, and an unwillingness to assume responsibility for your actions.

On 17 June 1983 the Commander, Naval Military Personnel Command (CNMPC) directed a general discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 28 July 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 17 years since you were discharged. The Board noted your contentions that you have had exemplary post-service conduct, been listed in "Who's Who in the World", and have founded a successful international publishing company. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of four NJPs. The Board believed that you were fortunate to receive a general discharge since most individuals discharged for misconduct are discharged under other than honorable conditions. Further, an honorable discharge is not authorized unless the record is otherwise so meritorious that any other characterization would be clearly inappropriate, and the separation is approved by CNMPC. While your post-achievements are notable, they are insufficient to warrant recharacterization. The Board concluded that the discharge was proper and no change is warranted. A Federal Bureau of Investigation report obtained by the Board noted that your post-service conduct has been marred by conviction of a controlled substance offense. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director